

## Environmental Protection Agency

## § 255.31

Governor. This lead agency should make such nominations public.

(d) Chief executives of agencies on the distribution list may comment by letter on the nominations.

(e) If a disagreement exists which cannot be settled by correspondence or a meeting with the Governor's representative, a public hearing should be held and all elected officials of local general purpose governments within the region should be invited. The purpose of this meeting will be for the local officials to reach a consensus regarding the agency(ies) to be formally identified.

(f) When a consensus is reached among local elected officials a formal agreement should be made in conformance with State administrative procedures. It should be binding until revised in accordance with this subpart.

(g) When the local consensus is in agreement with the State opinion, the State should confirm that agreed arrangement, formally establishing the duties and responsibilities of the identified agencies by legislative resolution or executive order.

(h) In the event that a consensus cannot be reached before 270 days after promulgation of regulations pursuant to §255.22 the Governor should designate a State agency to develop and implement the plan for the concerned region.

[42 FR 24927, May 16, 1977, as amended at 48 FR 29303, June 24, 1983]

### § 255.24 Procedure for identifying interstate regions.

If the Governor's recommendation, the local consensus, or a neighboring Governor's recommendation is that an interstate region be identified, the procedures described in this subpart should be extended to include notification and comment of all concerned officials in the entire recommended region.

(a) Section 4006(c) of the Act establishes specific procedures for the conduct of interstate identification processes.

(b) Recommendations, nominations, and comments resulting from processes described in §§255.20 and 255.21 that concern interstate regions should be

brought to the attention of the appropriate EPA Regional Administrator.

(c) The Governor should evaluate the use of interstate metropolitan area (Standard Metropolitan Statistical Area) boundaries for planning and management purposes, and consider nominating such areas where appropriate.

(Also sec. 4006(c), Pub. L. 94-580, 90 Stat. 2795 (42 U.S.C. 6946(c)))

### § 255.25 Public participation.

Public participation in the process of identifying regions and agencies should be provided for, encouraged, and assisted by the State and local officials.

## Subpart D—Responsibilities of Identified Agencies and Relationship to Other Programs

### § 255.30 Responsibilities established.

The following duties and responsibilities should be assigned for all appropriate areas pursuant to section 4006.

(a) Disposal of municipal solid waste should be an identified responsibility throughout the State. In the event that no local or regional agency is held responsible for disposal for a region, a State agency should be identified and held accountable.

(b) Where the State plan identifies municipal sewage sludge disposal, hazardous waste disposal or other functions needing attention in a region, an agency should be identified as being responsible for that function in that region.

(c) These responsibilities may be assigned with the intent that private industry be the actual purveyor of service.

### § 255.31 Integration with other acts.

The Governor shall integrate the provisions of these guidelines for purposes of administration and enforcement, and should avoid duplication to the maximum extent practicable, with the appropriate regional identification provisions of the Clean Air Act (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C.

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300f et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) and other appropriate Acts of Congress.

(Sec. 1006(b), Pub. L. 94–580, 90 Stat. 2795 (42 U.S.C. 6905(b)))

### § 255.32 Coordination with other programs.

The region and agency identification criteria (§255.11) specify review of solid waste activities being conducted by water quality management planning agencies, underground injection control agencies, and air quality management agencies. There should be a formal means of coordination established between any agencies established under section 4006 which are not identical with these agencies. Coordination should be established so that permittees under the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act will be consulted concerning disposal of residual sludges.

### § 255.33 Inclusion of Federal facilities and Native American Reservations.

Major Federal facilities and Native American Reservations should be treated for the purposes of these guidelines as though they are incorporated municipalities, and the facility director or administrator should be considered the same as a locally elected official.

(Sec. 6001, Pub. L. 94–580, 90 Stat. 2795 (42 U.S.C. 6961))

## Subpart E—Submission and Revision of Identifications

### § 255.40 Notification of status.

This subpart describes procedures which may ultimately be required by EPA when it publishes regulations governing application and eligibility for grants under section 4007. Under these regulations the appropriate EPA Regional Administrator will consider the identifications made under section 4006 as one of the conditions of grant eligibility.

The Regional Administrator may accept, in State grant applications, noti-

fication of the status of these identifications to ensure that premature decisions on State plan development will not be forced by the timing of the identifications specified in the Act. Procedures are outlined here to advise the States of what EPA expects to require in such notification.

(a) The notification should specify those regional boundaries and agencies which are uncontested at the time of submission, and specify a schedule of hearings and determinations of subsequent identification of regions and agencies as consensus is reached.

(b) The appropriate level of detail and the timing of the identifications to be made should be established for each planning region after agreement between the State and the appropriate EPA Regional Administrator. The timing should depend upon how well the State plan is developed, the environmental and economic decisions to be made, and the existing management approaches to their resolution.

(c) The notification should list the major known interested agencies and private operators within each planning region and describe how they will be included in the process. Where appropriate, it should include an expression of their interest and a definition of the extent and limits of their role in solid waste management planning.

(d) The notification should provide a schedule for phasing of plan development with the identification of agencies to carry out those plans, showing the projected maturation of management agencies and the milestones for those agencies in taking over the plan implementation process.

(e) This notification should include establishment of State agencies where regional planning and implementation agencies have not been identified within 270 days of the Governor's promulgation of regulations identifying regional boundaries.

(See sec. 4006(b)(2))

### § 255.41 Procedure for revision.

The procedure for revising regional identifications or agency responsibilities should be specified by the notification.